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*Attorneys for Defendants Joseph H. Emmons  
and Osprey Field Consulting LLC*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

UNITED FOOD AND COMMERCIAL  
WORKERS UNION, LOCAL 3000, a  
non-profit corporation, UNITED FOOD  
AND COMMERCIAL WORKERS  
UNION, LOCAL 1439, a non-profit  
corporation, UNITED FOOD AND  
COMMERCIAL WORKERS UNION,  
LOCAL 21, a non-profit corporation,  
AND FAYE IRENE GUENTHER, an  
individual,

Plaintiffs,

v.

JOSEPH H. EMMONS, individually,  
AND OSPREY FIELD CONSULTING  
LLC, a limited liability company,

Defendants.

No. 2:22-cv-00272

**NOTICE OF REMOVAL**

TO: Clerk, United States District Court for the Eastern District of  
Washington

AND TO: Plaintiffs United Food and Commercial Workers Union, Local 3000;  
United Food and Commercial Workers Union, Local 1439; United

NOTICE OF REMOVAL  
Case No. 2:22-cv-00272

4863-5645-5740v.2 0119896-000001

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Food and Commercial Workers Union, Local 21; and Faye Irene Guenther, and their Attorneys of Record

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Joseph H. Emmons and Osprey Field Consulting LLC remove this case, originally filed in the Superior Court of the State of Washington for Spokane County under case number 22-2-02442-32 (the “Action”), to the United States District Court for the Eastern District of Washington. In accordance with 28 U.S.C. § 1446(a), the grounds for removal—together with a copy of all process, pleadings, and orders served on Defendants—are set forth below and attached as exhibits hereto.

### **BACKGROUND**

1. Plaintiffs filed the Action in the Superior Court of the State of Washington for Spokane County on July 25, 2022, asserting claims for defamation and false light invasion of privacy.

2. Based on the allegations in the Complaint, Plaintiffs’ asserted damages in the Civil Joint Case Status Report, and the attached exhibits, the Defendants affirm that removal is proper for the following reasons:

### **THE COURT HAS DIVERSITY JURISDICTION OVER THIS ACTION**

3. This Court has diversity jurisdiction under 28 U.S.C. § 1332 because, on information and belief, this case satisfies the complete diversity requirement, and the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a).

**A. Complete Diversity**

4. On information and belief, this case satisfies 28 U.S.C. § 1332(a)(1)'s diversity of citizenship requirement because all Plaintiffs and all Defendants are citizens of different states.

5. Under 28 U.S.C. § 1332, a corporation “shall be deemed to be a citizen of every State . . . by which it has been incorporated and of the State . . . where it has its principal place of business.” A corporation’s principal place of business is “where [its] officers direct, control, and coordinate the corporation’s activities,” i.e., generally “the place where the corporation maintains its headquarters.” *Hertz Corp. v. Friend*, 559 U.S. 77, 93 (2010). In contrast, “an LLC is a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 900 (9th Cir. 2006).

6. According to the Complaint, Plaintiff United Food and Commercial Workers Union (“UFCW”) Local 3000 is a non-profit corporation. Upon information and belief, UFCW Local 3000 is neither incorporated in nor has its principal place of business in Oregon. Therefore, UFCW Local 3000 is a citizen of a state other than Oregon.

7. Plaintiffs UFCW Local 1439 and Local 21 no longer exist because they merged with each other to form UFCW Local 3000, effective March 1, 2022. Compl. ¶¶ 1.1, 3.2-3.6, 3.28.

8. Plaintiff Faye Guenther is a citizen of Washington. Compl. ¶ 1.2.

9. Defendant Joseph Emmons is a citizen of Oregon. Compl. ¶ 1.3.

1           10. Defendant Osprey Field Consulting, LLC, is a limited liability  
2 company organized under the laws of the state of Oregon, and Defendant Emmons  
3 is Osprey's sole member. Compl. ¶ 1.4. Therefore, Osprey is a citizen of Oregon.

4           11. Accordingly, 28 U.S.C. § 1332(a)(1)'s requirement for diversity  
5 jurisdiction is satisfied because none of the Plaintiffs is a citizen of Oregon and all  
6 Defendants are citizens of Oregon.

7           **B. Amount in Controversy**

8           12. This case also satisfies 28 U.S.C. § 1332(a)'s amount in controversy  
9 requirement because Plaintiffs seek damages that exceed \$75,000, exclusive of  
10 interest and costs.

11           13. In the Civil Joint Case Status Report submitted to the Superior Court,  
12 Plaintiffs asserted the "[a]mount in controversy and range of damages requested"  
13 was "not less than \$250,000." Attached as **Exhibit A** is a true and correct copy of  
14 the Civil Joint Case Status Report.

15           14. Accordingly, the jurisdictional threshold under 28 U.S.C. § 1332(a) is  
16 met.

17                           **REMOVAL IS TIMELY**

18           15. Defendants accepted service of the Summons and Complaint on  
19 August 8, 2022. The case stated in the initial pleading was not removable because  
20 the Complaint did not allege the amount in controversy. Attached as **Exhibit B** is  
21 a true and correct copy of the Complaint. Attached as **Exhibit C** are true and  
22 correct copies of the Summonses.  
23

1           16. The same day, Defendants' counsel sent an email to Plaintiffs'  
2 counsel requesting "a good faith estimate" of the dollar amount of Plaintiffs'  
3 claimed damages. Plaintiffs' counsel did not provide a dollar amount in response  
4 to this request. Attached as **Exhibit D** is a true and correct copy of this August 8,  
5 2022, email and subsequent correspondence between counsel.

6           17. On October 24, 2022, Plaintiffs' counsel sent Defendants' counsel a  
7 draft Civil Joint Case Status Report in which Plaintiffs asserted for the first time  
8 the "[a]mount in controversy and range of damages requested" was "not less than  
9 \$250,000." On October 28, 2022, Plaintiffs submitted the Civil Joint Status Report  
10 to the Superior Court with the same assertion. *See* **Exhibit A**.

11           18. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(3)  
12 because the case stated by Plaintiffs' Complaint was not removable, and fewer than  
13 30 days have passed since Defendants received Plaintiffs' draft of the Civil Joint  
14 Case Status Report, which asserted for the first time the amount of damages  
15 Plaintiffs seek in this action.

16           **DEFENDANTS HAVE SATISFIED ALL REMAINING PROCEDURAL**  
17           **REQUIREMENTS**

18           19. The United States District Court for the Eastern District of  
19 Washington is the federal judicial district embracing Spokane County Superior  
20 Court, where Plaintiffs filed the Action. 28 U.S.C. §§ 128(a), 1441(a). Spokane is  
21 the proper division or location for the matter.

22           20. Both Defendants, Joseph Emmons and his company Osprey Field  
23 Consulting, LLC, consent to removal.



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4 ***Attorneys for Defendants Joseph H.***  
5 ***Emmons and Osprey Field Consulting LLC***  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 9, 2022, I caused a copy of the foregoing to be served upon the following counsel of record:

Aaron Streepy James G. McGuinness Streepy Law, PLLC 4218 227 <sup>th</sup> Ave Ct E Buckley, WA 98321 aaron@mcguinnessstreepy.com <a href="mailto:jim@mcguinnessstreepy.com">jim@mcguinnessstreepy.com</a>	<input type="checkbox"/> By U. S. Mail <input checked="" type="checkbox"/> By Email <input type="checkbox"/> By Facsimile <input type="checkbox"/> By Messenger
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DATED this 9<sup>th</sup> day of November, 2022.

s/ Ambika Kumar

Ambika Kumar, WSBA No. 38237